

Notice of Allowability

Application No.

10/037,914

Examiner

Eleni A. Shiferaw

Applicant(s)

CANDELORE ET AL.

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/25/2006.
2. ☒ The allowed claim(s) is/are 1-21, 28-37, 40-53 and 86-106.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 04/25/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. This action is in response to the amendments filed on 03/24/2006. All claims have been rejected under Double Patenting on the first Office Action mailed 04/05/2005. Terminal Disclaimer has been filed by the Applicant on 05/09/2005 in response to the first Office Action Double Patenting rejection. Claims 1-112 have been fully examined. Examiners amendment has been made for independent claim 30 and claims 22-23, 54, 57-63, 66-82, 107, 109-112 have been canceled based on the telephone interview, with Jerry Miller on May 8, 2006 without prejudice as we agreed.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jerry Miller on May 8, 2006.

3. Examiner amends claims 30, and cancels claims 22-23, 54, 57-63, 66-82, 107, 109-112.

22-23. (Cancelled)

30. (Currently amended) A cable system headend, comprising:

a first encryption system that encrypts data in audio packets using a first encryption algorithm;

a second encryption system that encrypts data in duplicates of said audio packets using a second encryption algorithm; and

means for distributing an output stream of packets representing a dual partially encrypted television program over a cable television system, the stream of packets comprising video packets ~~(s)~~ or audio packets encrypted under the first encryption algorithm, and duplicates of said audio packets encrypted under the second encryption algorithm and system information packets.

54. (Cancelled)

57 -63. (Canceled)

66 -82. (Canceled)

107. (Cancelled)

109-112. (Canceled)

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

Claims 1-21, 28-37, 40-53, and 86-106 are allowed.

Claims 1, 13, 28, 30, 35, 46, 86, and 89: Prior art of record neither alone nor in combination teach **transmitting and/or outputting** the encrypted digital television signal comprising the unencrypted audio/video portion, the encrypted first, that is encrypted using first encryption method, and the encrypted second audio/video portions, that is encrypted using a second encryption method, in the same stream of data.

Claims 2-12, 14-21, 29, 31-34, 36-37, 40-45, 47-53, 87-97, and 99-106 are allowed because of dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

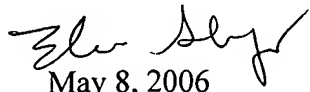
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May 8, 2006